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FROM: Christine A. Gritzmacher
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Patent Department
10210 Genetic Center Drive
San Diego, California 92121-4362

TO: Examiner: Switzer, J.C.
Group 1634

Mail Stop: AF
U.S. Patent & Trademark Office

Phone No. (858) 410-8927
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Facsimile No. (571) 273-8300

Number of pages (including this cover page): 4

In re Patent Application of:

BRENTANO *et al.*

Serial No. 10/665,708

Filed: September 18, 2003

Title: NUCLEIC ACID AMPLIFICATION
AND DETECTION OF
MYCOBACTERIUM SPECIES

) Group Art Unit: 1634

) Examiner: Switzer, J. C.

) Confirmation No. 6892

) Atty. Docket No. GP107-03.DV1

) Date: April 16, 2007

Transmitted herewith:

1. Fee Transmittal (1 pg. in duplicate, 2 pgs. total);
2. Notice of Appeal (1 pg.).

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 571-273-8300 on the date indicated below to Mail Stop: AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: April 16, 2007

By:

Christine A. Gritzmacher
Christine A. Gritzmacher, Reg. No. 40,627

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PTO/SB/17 (02-07)

Approved for use through 02/28/2007. OMB 0651-0032

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2007☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500

Complete if Known

Application Number	10/665,708
Filing Date	18 September 2005
First Named Inventor	Steven T. Brentano
Examiner Name	J. C. Switzer
Art Unit	1634
Attorney Docket No.	GP107-03.DV1

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 07-0835 Deposit Account Name: Gen-Probe Incorporated

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) ☐ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Notice of Appeal Fee

\$500

SUBMITTED BY

Signature	<i>Christine A. Gritzmaier</i>	Registration No. 40,627 (Attorney/Agent)	Telephone 858-410-8926
Name (Print/Type)	Christine A. Gritzmaier		Date 16 April 2007

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER****APR 16 2007**In re patent application of:
BRENTANO *et al.*

Group Art Unit: 1634

Application Serial No. 10/665,708

Examiner: Switzer, J.C.

Filed: September 18, 2003

Atty. Docket No. GP107-03.DV1

For: NUCLEIC ACID AMPLIFICATION
AND DETECTION OF
MYCOBACTERIUM SPECIES

Confirmation No. 6892

NOTICE OF APPEAL UNDER 37 C.F.R. 41.31Mail Stop: AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal from the Examiner's Final Office Action mailed on January 18, 2007, finally rejecting pending claims 13-20 (claims 1-12 have been withdrawn from consideration). Applicants filed an After Final Amendment within two months of issuance of the Final Office Action, and an Advisory Action issued on April 4, 2007 that maintained the rejections. Applicants believe that this Notice of Appeal is timely filed.

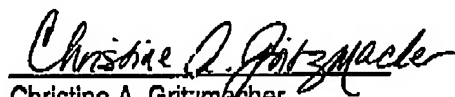
Authorization is hereby provided to charge the fees due in connection with the filing of this Notice of Appeal to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated (fee transmittal attached).

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Respectfully submitted,

Date: April 16, 2007

By:

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